

ASSEMBLY BILL

No. 2370

Introduced by Assembly Member Hernandez
(Coauthors: Assembly Members Ammiano, Coto, De Leon, Hall,
Mendoza, V. Manuel Perez, Torlakson, and Torres)

February 19, 2010

An act to amend Section 48306 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2370, as introduced, Hernandez. School districts of choice.

Existing law requires each person between the ages of 6 and 18 years, who is not otherwise exempt, to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to accept interdistrict transfers by adopting a resolution to become a school district of choice, as defined, and authorizes the governing board to ensure, by resolution, that pupils accepted for transfer are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance.

Existing law authorizes a school district of choice to reject the transfer of a pupil if the transfer of that pupil would require the district to create a new program to serve that pupil, except that a school district of choice is prohibited from rejecting the transfer of a special needs pupil, including an individual with exceptional needs, and an English learner.

Existing law requires a school district of choice to give priority for attendance to siblings of children already in attendance in that district

and authorizes the district to give priority for attendance to children of military personnel.

This bill would require a school district of choice to give priority to bilingual pupils, English learners, and pupils with special needs, including individuals with exceptional needs, and would prohibit the school district from enrolling a bilingual pupil, English learner, or pupil with special needs in a school that is identified as a program improvement school for purposes of the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) whether or not the pupil receives priority for attendance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48306 of the Education Code is amended
2 to read:
3 48306. (a) A school district of choice shall give priority for
4 attendance to ~~siblings~~ *all of the following*:
5 (1) *Siblings* of children already in attendance in that district.
6 (2) *Bilingual pupils*.
7 (3) *English learners*.
8 (4) *Pupils with special needs, including individuals with*
9 *exceptional needs, as defined in Section 56026.*
10 (b) A school district of choice may give priority for attendance
11 to children of military personnel.
12 (c) *A school district of choice shall not enroll a bilingual pupil,*
13 *English learner, or pupil with special needs in a school that is*
14 *identified as a program improvement school for purposes of the*
15 *No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.)*
16 *whether or not that pupil receives priority pursuant to this section.*